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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Douglas L. Michalsky
Phillip E. Carr
Edwin L. Hankinson

Attorney Docket: CMI-470
(2009.009900)

S/N: 09/973,580

Group: 2856

Filed: 10/09/01

For: Implantable Osteogenic Material

Examiner: Jay L. Politzer

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TECHNOLOGY CENTER 2800

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8	
DATE OF DEPOSIT:	October 20, 2003
I hereby certify that this paper or fee is being deposited with the United States Postal Service with sufficient postage as "FIRST CLASS MAIL" addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
<i>Sharon U. Hart</i>	

**ELECTION AND RESPONSE UNDER 35 U.S.C. § 121
TO OFFICE ACTION DATED JUNE 19, 2003**

This paper is filed in response to the Office Action mailed June 19, 2003, and having a one month shortened statutory response period. Applicants enclose a three month extension of time, extending the response period to October 20, 2003. However, Applicant requests that the Applicant not be charged with any fee for extension of time, because the species election imposed by the Examiner is improvidently made for reasons set forth hereinbelow. Accordingly, Applicant requests that a new Office Action be sent with a proper articulation of the species election requirement imposed by the Examiner. It is believed that no additional fee is due. However, please charge any such fee to Williams, Morgan & Amerson, P.C. Deposit Account No. 50-0786/2009.009900.

The Examiner has issued a restriction requirement under 35 U.S.C. § 121 between Group I, directed to a "method and apparatus for testing prosthetic heart valves," and an "apparatus for